

Reid Rubinstein & Bogatz

1 I. SCOTT BOGATZ, ESQ.

2 Nevada Bar No. 3367

3 MICHAEL S. KELLEY, ESQ.

4 Nevada Bar No. 10101

5 300 South 4th Street, Suite 830

6 Las Vegas, Nevada 89101

7 Telephone: (702) 776-7000

8 Facsimile: (702) 776-7900

9 sbogatz@rrblf.com10 mkelley@rrblf.com11 *Attorneys for Plaintiffs***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

10 MICHAEL MINDEN & THERESA MINDEN,

11 Plaintiffs,

Case No.: 2:21-cv-00151-APG-BNW

12 vs.

13 ALLSTATE PROPERTY AND CASUALTY
14 INSURANCE COMPANY, an Illinois
15 Corporation; DOE INDIVIDUALS 1-10 and
16 ROE ENTITIES I-X,

17 Defendants.

PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT18 Pursuant to the United States District Court District of Nevada Local Rule 7-3(b) Plaintiffs,
19 MICHAEL MINDEN and THERESA MINDEN (collectively the "Mindens" or "Plaintiffs") are
20 limited to 24 pages in their response to ALLSTATE PROPERTY AND CASUALTY
21 INSURANCE COMPANY's ("Allstate" or "Defendant") Amended Motion for Spoliation of
22 Evidence and Sanctions (ECF No. 58) (the "Motion").23 Plaintiffs hereby respectfully move this Court for leave and respectfully requests this Court
24 grant leave to exceed the applicable page limit by 6 pages. Good cause exists to exceed the page
25 limit set forth in Nevada Local Rule 7.3(b) because Allstate's Motion seeks case dispositive
26 sanctions in the form of dismissal against Plaintiffs for destroying evidence. In its Motion, Allstate
27 argues that "[b]ecause of Plaintiffs' actions, Defendant Allstate has been prevented from
28 inspecting and testing the roof tiles and underlayment from the Plaintiffs' roof." Motion at 2:1-3.

1 It is imperative that Plaintiffs be able to fully respond and be heard in opposition to the serious
2 allegations leveled by Allstate that Plaintiffs destroyed evidence in bad faith, including recounting
3 the factual record showing each time Allstate or its contractors or engineers inspected the subject
4 roof and also deposition testimony regarding the various inspections of the subject roof. Fourteen
5 and the 30-page Response brief is devoted to the factual background. Good cause also exists to
6 exceed the page limit set forth in Nevada Local Rule 7.3(b). The Declaration of Michael S. Kelley,
7 Esq. in Support of Plaintiffs' Motion for Leave to Exceed Page Limit ("Vlasic Declaration"), is
8 filed herewith.

9 DATED this 21st day of October, 2022.

10 REID RUBINSTEIN & BOGATZ
11

12 By: /s/ Michael S. Kelley, Esq.
13 I. Scott Bogatz, Esq.
14 Nevada Bar No. 3367
15 Michael S. Kelley
16 Nevada Bar No. 10101
17 *Atorneys for Plaintiffs*

18 **ORDER**

19 **IT IS SO ORDERED**

20 **DATED:** 12:19 pm, October 24, 2022
21 
22 **BRENDA WEKSLER**
23 **UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of October, 2022 our office served a copy of the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT** upon each of the following parties via CM/ECF electronic service:

/s/ Amy M. Scott
An employee of REID RUBINSTEIN & BOGATZ

REID RUBINSTEIN & BOGATZ

300 South 4th Street, Suite 830
Las Vegas, Nevada 89101
(702) 776-7000 FAX: (702) 776-7900